

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re SONY BMG CD TECHNOLOGIES  
LITIGATION

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x

: Civil Action No. 05-CV-09575-NRB

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:

: CLASS ACTION

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This Document Relates To:

:

:

ALL ACTIONS.

x

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**NOTICE OF MOTION AND MOTION TO ADMIT COUNSEL *PRO HAC VICE*,  
DECLARATION OF ROBERT M. ROTHMAN AND AFFIDAVIT OF SHANA E.  
SCARLETT IN SUPPORT THEREOF**

FILED  
U.S. DISTRICT COURT  
2006 MAR -9 PM 2:55  
S.D. OF N.Y.

PLEASE TAKE NOTICE upon the annexed Affidavit of Shana E. Scarlett, executed this 2nd day of March, 2006, and the Certificate of Good Standing attached thereto, and the Declaration of Robert M. Rothman, Plaintiffs Tom Ricciuti, Yvonne Ricciuti, and Mary Schumacher move this Court, pursuant to Rule 1.3(c) of the Local Civil Rules of this Court, that Shana E. Scarlett, a member of the Bar of the State of California, be admitted *pro hac vice* for all purposes on behalf of plaintiffs in this action.

DATED: March 8, 2006

LERACH COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
ROBERT M. ROTHMAN (RR-6090)



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**DECLARATION OF ROBERT M. ROTHMAN**

I, Robert M. Rothman, declare as follows:

1. I am a member in good standing of the bar of this Court and a partner at Lerach Coughlin Stoia Geller Rudman & Robbins LLP. I make this declaration in support of Plaintiffs Tom Ricciuti, Yvonne Ricciuti, and Mary Schumacher's Motion, pursuant to Rule 1.3(c) of the Local Civil Rules of this Court, that Shana E. Scarlett be admitted *pro hac vice* for all purposes on behalf of plaintiffs in this action.

2. Shana E. Scarlett is fully familiar with this action.

3. As evidenced in the annexed Affidavit of Shana E. Scarlett, she is an attorney in good standing of the Bar of the State of California.

4. I respectfully request that plaintiffs' motion be granted in all respects. A proposed Order is enclosed herewith.

I declare under penalty of perjury under the laws of the State of New York, that the foregoing is true and correct.

DATED: March 8, 2006



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ROBERT M. ROTHMAN (RR-6090)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                                |   |                                    |
|--------------------------------|---|------------------------------------|
|                                | x |                                    |
| In re SONY BMG CD TECHNOLOGIES | : | Civil Action No. 1:05-cv-09575-NRB |
| LITIGATION                     | : |                                    |
|                                | : | <u>CLASS ACTION</u>                |
|                                | : |                                    |
| This Document Relates To:      | : | AFFIDAVIT OF SHANA E. SCARLETT IN  |
|                                | : | SUPPORT OF PLAINTIFFS' MOTION FOR  |
| ALL ACTIONS.                   | : | <i>PRO HAC VICE</i> ADMISSION      |
|                                | x |                                    |

I, Shana E. Scarlett, being duly sworn, deposes and says that the following facts are true and correct to the best of my personal knowledge:

1. I am an attorney duly admitted to practice law in the State of California. Attached hereto as "Exhibit A" is an original certificate of good standing from the State Bar of California.
2. I am not under suspension or disbarment by any court.
3. I am an associate at the firm of Lerach Coughlin Stoia Geller Rudman & Robbins LLP, and my office is located at 100 Pine Street, Suite 2600, San Francisco, CA 94111. My telephone number is (415) 288-4545.
4. I make this affidavit in support of plaintiffs' motion for my admission *pro hac vice*.
5. I recognize that if I am admitted *pro hac vice*, I am within the disciplinary jurisdiction of the United States District Court for the Southern District of New York. Upon my admission *pro hac vice*, I agree to comply with all applicable New York Local Rules of Civil Procedure.

I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct. Executed this 2nd day of March, 2006 at San Francisco, California.



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SHANA E. SCARLETT

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# EXHIBIT A



THE  
STATE BAR  
OF CALIFORNIA

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180 HOWARD STREET  
SAN FRANCISCO, CALIFORNIA 94105-1639  
TELEPHONE (415) 538-2000

February 28, 2006

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, SHANA EVE SCARLETT, #217895, was admitted to the practice of law in this state by the Supreme Court of California on December 11, 2001; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Waffa N. Salfiti  
Custodian of Membership Records



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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| In re SONY BMG CD TECHNOLOGIES | : | Civil Action No. 05-CV-09575-NRB |
| LITIGATION                     | : |                                  |
|                                | : | <u>CLASS ACTION</u>              |
|                                | : |                                  |
| This Document Relates To:      | : |                                  |
|                                | : |                                  |
| ALL ACTIONS.                   | x |                                  |

**[PROPOSED] ORDER GRANTING MOTION FOR ADMISSION *PRO HAC VICE***

Upon the motion of Plaintiffs Tom Ricciuti, Yvonne Ricciuti, and Mary Schumacher, pursuant to Rule 1.3(c) of the local Civil Rules of this Court, for an order admitting Shana E. Scarlett *pro hac vice* for all purposes on behalf of plaintiffs in this action, and for good cause shown,

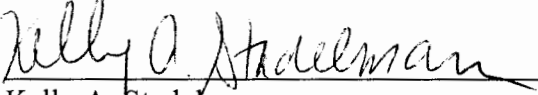
IT IS HEREBY ORDERED that the motion is GRANTED in all respects, subject to payment of the requisite fees.

DATED: \_\_\_\_\_

\_\_\_\_\_  
HON. NAOMI R. BUCHWALD  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Kelly A. Stadelmann, certify that on this the 8th day of March, 2006, the foregoing documents were served by First Class Mail on the Counsel of Record listed on the attached Service List.

  
Kelly A. Stadelmann

## Service List

|   |  |
|---|--|
| <p>Scott A. Kamber (SK-5794)<br/> <b>KAMBER &amp; ASSOCIATES, LLC</b><br/> 19 Fulton Street, Suite 400<br/> New York, New York 10038<br/> Telephone: 212/571-2000<br/> 212/202-6364 (fax)</p>                       | <p>Sanford P. Domain (SD-8712)<br/> Peter Safirstein (PS-6176)<br/> <b>MILBERG WEISS BERSHAD &amp; SCHULMAN LLP</b><br/> One Pennsylvania Avenue<br/> New York, New York 10119-0165<br/> Telephone: 212/594-5300<br/> 212/868-1229 (fax)</p> |
| <p>Ira M. Press (IP-5313)<br/> Mark A. Strauss (MS-2288)<br/> <b>KIRBY McINERNEY &amp; SQUIRE, LLP</b><br/> 830 Third Avenue<br/> New York, New York 10022<br/> Telephone: 212/317-2000<br/> 212/751-2540 (fax)</p> | <p>Jason L. Solotaroff (JS-5739)<br/> Oren Giskan (OG-3667)<br/> <b>GISKAN &amp; SOLOTAROFF</b><br/> 207 West 25th Street<br/> New York, New York 10001<br/> Telephone: 212/847-8315<br/> 212/473-8096 (fax)</p>                             |
| <p>David Nester<br/> <b>NESTER &amp; CONSTANCE, P.C.</b><br/> 123 West Washington Street<br/> Belleville, Illinois 62220-2021<br/> Telephone: 618/234-4440<br/> 618/234-6193 (fax)</p>                              | <p>Robert I. Lax (RL-8413)<br/> <b>ROBERT I. LAX &amp; ASSOCIATES</b><br/> 535 Fifth Avenue, 21st Floor<br/> New York, New York 10017<br/> Telephone: 212/818-9150<br/> 212/818-1266 (fax)</p>   |
| <p>Daniel Lynch<br/> Ethan Preston<br/> <b>CIRIGNANI HELLER HARMAN &amp; LYNCH</b><br/> 150 S. Wacker Drive, #2600<br/> Chicago, IL 60606<br/> Telephone: 312/346-8700<br/> 312/896-5883 (fax)</p>                  | <p>Jeffery S. Jacobson<br/> <b>DEBEVOISE &amp; PLIMPTON LLP</b><br/> 919 Third Avenue<br/> New York, New York 10022<br/> Telephone: 212/909-6000<br/> 212/909-6836 (fax)</p>   |

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